

## TO BE ENACTED

APPENDIX B

- (A) COMPANY-SPECIFIC INFORMATION THAT MUST BE PROVIDED IN THE TELEPHONE CUSTOMER BILL OF RIGHTS AND IN THE INFORMATIONAL PAGES OF THE DIRECTORY:

ALL COMPANIES THAT FURNISH CALLER ID AND SIMILAR SERVICES SHALL INCLUDE LANGUAGE THAT INFORMS CONSUMERS OF THE AVAILABILITY OF CALL-BLOCKING SERVICES (PER-CALL BLOCKING AND PER-LINE BLOCKING) AND A BRIEF DESCRIPTION OF EACH. THE DESCRIPTION OF PER-CALL BLOCKING SHALL INCLUDE LANGUAGE THAT INDICATES THE SERVICE IS PROVIDED FREE OF CHARGE. THE DESCRIPTION OF PER-LINE BLOCKING SHOULD INCLUDE LANGUAGE THAT STATES THAT THE CHARGE FOR SUCH SERVICE SHALL NOT EXCEED THE CHARGE FOR NONPUBLISHED NUMBER SERVICE AND THAT ANYONE ALREADY PAYING FOR A NONPUBLISHED NUMBER SHALL BE INFORMED THAT PER-LINE BLOCKING IS AVAILABLE FREE OF CHARGE. SUCH INFORMATION SHALL, AT A MINIMUM, INCLUDE DETAILS ABOUT CALL TRACE AND ANNOYANCE CALL BUREAU SERVICES WHEN THE TELEPHONE COMPANY OFFERS SUCH SERVICES.

- (B) THE FOLLOWING TEXT MUST BE PROVIDED IN THE TELEPHONE CUSTOMER BILL OF RIGHTS:

## TELEPHONE CUSTOMER BILL OF RIGHTS

CUSTOMERS HAVE CERTAIN RIGHTS AND OBLIGATIONS. TELEPHONE COMPANIES ALSO HAVE CERTAIN RIGHTS AND OBLIGATIONS WHEN PROVIDING YOU SERVICE. AFTER READING THIS INFORMATION, YOU SHOULD KNOW MORE ABOUT:

- THE COMPANY'S RESPONSIBILITY TO PROVIDE SERVICE;

- BILLING AND INFORMATION CONCERNING YOUR SERVICE;
- YOUR RESPONSIBILITY TO PAY FOR SERVICE; AND
- HOW TO AVOID DISCONNECTION OF SERVICE.

THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) IS A STATE AGENCY THAT HAS AUTHORITY OVER MANY ASPECTS OF THE SERVICE PROVIDED BY YOUR TELEPHONE COMPANY INCLUDING RATES AND QUALITY OF SERVICE.

THIS "BILL OF RIGHTS" SUMMARIZES SOME OF THE PUCO'S RULES FOR TELEPHONE COMPANIES. FOR MORE DETAILED INFORMATION, PLEASE CONTACT THE PUCO OR ASK YOUR TELEPHONE COMPANY FOR A COPY OF ITS PROCEDURES.

#### RESOLVING PROBLEMS AND DISPUTES

##### INFORMAL COMPLAINTS

IF YOU HAVE A QUESTION ABOUT A TELEPHONE BILL OR SERVICE, FIRST CONTACT YOUR TELEPHONE COMPANY. THIS MAY BE DONE BY TELEPHONE, BY LETTER, OR IN PERSON. THE TELEPHONE NUMBER TO YOUR COMPANY IS PRINTED ON YOUR BILL. IT WILL ALSO BE IN YOUR LOCAL TELEPHONE DIRECTORY, ALONG WITH AN ADDRESS TO THE COMPANY.

IF A PROBLEM CANNOT BE SOLVED WITH THE CUSTOMER SERVICE REPRESENTATIVE, ASK TO SPEAK WITH A SUPERVISOR. EACH TELEPHONE COMPANY HAS EMPLOYEES AVAILABLE WHO WILL TRY TO SETTLE THE PROBLEM FAIRLY. IF YOU CANNOT REACH A SOLUTION TO THE PROBLEM OR AGREEMENT WITH THE COMPANY, CONTACT THE PUCO. THE PUCO'S PUBLIC INTEREST CENTER WILL START AN INFORMAL INVESTIGATION IN AN EFFORT TO SETTLE THE DISPUTE. AFTER TAKING YOUR INFORMATION, THE PUCO'S CUSTOMER SERVICE INVESTIGATOR WILL CONTACT THE COMPANY TO LEARN THE COMPANY'S POSITION ON THE COMPLAINT. THE

CUSTOMER SERVICE INVESTIGATOR WILL ATTEMPT TO RESOLVE THE COMPLAINT WITHIN THE FRAMEWORK OF THE PUCO'S RULES.

YOU MAY FILE AN INFORMAL COMPLAINT WITH THE PUCO BY WRITING TO:

PUBLIC INTEREST CENTER  
PUBLIC UTILITIES COMMISSION OF OHIO  
180 EAST BROAD STREET  
COLUMBUS, OHIO 43215-3793

YOU CAN ALSO CALL THE PUCO FROM 8 A.M. TO 5 P.M., MONDAY THROUGH FRIDAY, AT:

614-466-3292 (COLUMBUS OR OUT-OF-STATE)  
1-800-686-7826 (TOLL-FREE IN OHIO) OR 1-800-686-1570  
(TDD/TTY)  
INTERNET PAGE: [HTTP://WWW.PUC.OHIO.GOV](http://www.puc.ohio.gov)

RESIDENTIAL CUSTOMERS MAY ALSO CONTACT THE OHIO CONSUMERS' COUNSEL (OCC). (SEE ADDRESS AND PHONE NUMBER BELOW).

#### FORMAL COMPLAINTS

IF YOU ARE NOT ABLE TO REACH AN AGREEMENT WITH THE COMPANY THROUGH THE PUCO INFORMAL COMPLAINT PROCESS, YOU HAVE THE RIGHT TO FILE A FORMAL COMPLAINT. FORMS ARE AVAILABLE FROM THE PUCO'S PUBLIC INTEREST CENTER AND MAY BE REQUESTED BY TELEPHONE OR BY WRITING TO THE ADDRESS LISTED ABOVE. IF YOU ARE A RESIDENTIAL CONSUMER, YOU MAY REPRESENT YOURSELF IN THE FORMAL COMPLAINT PROCEEDING OR HIRE AN ATTORNEY TO REPRESENT YOU. THE OCC MAY ALSO BE OF ASSISTANCE, AS THE LEGAL REPRESENTATIVE FOR RESIDENTIAL CUSTOMERS. CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY.

YOU MAY CONTACT THE OCC AT:

THE OHIO CONSUMERS' COUNSEL  
77 SOUTH HIGH STREET  
15TH FLOOR  
COLUMBUS, OHIO 43215

YOU CAN ALSO CALL THE OCC FROM 8 A.M. TO 5 P.M.,  
MONDAY THROUGH FRIDAY, AT:

1-800-282-9448 TOLL-FREE  
(HEARING IMPAIRED MAY CALL SAME NUMBER)  
OR 614-466-9605  
INTERNET PAGE: [HTTP://WWW.STATE.OH.US/CONSUM](http://WWW.STATE.OH.US/CONSUM)

AFTER THE FORMAL COMPLAINT FORMS HAVE BEEN FILED WITH THE PUCO, YOU WILL BE MAILED A NOTICE SHOWING THE HEARING DATE AND TIME. THE HEARING WILL TAKE PLACE BEFORE A PUCO ATTORNEY EXAMINER AT THE PUCO'S OFFICES IN COLUMBUS. THE ATTORNEY EXAMINER MAY CHOOSE TO SET A PREHEARING CONFERENCE WITH BOTH YOU AND THE COMPANY FOR ONE LAST ATTEMPT TO RESOLVE THE MATTER INFORMALLY BEFORE A FORMAL HEARING BEGINS. THE FORMAL HEARING IS SIMILAR TO A COURT HEARING WITH A COURT REPORTER RECORDING THE PROCEEDINGS. THE HEARING EXAMINER WILL CONSIDER THE TESTIMONY AND EVIDENCE PRESENTED. YOU HAVE THE RESPONSIBILITY TO PROVE THE MERITS OF THE COMPLAINT. THE PUCO WILL THEN REVIEW ALL THE EVIDENCE AND MAKE A DECISION ON THE CASE.

#### ORDERING SERVICE

YOUR LOCAL TELEPHONE COMPANY MUST PROVIDE ADEQUATE SERVICE AT RATES APPROVED BY THE PUCO. THE COMPANY MUST GIVE YOU A COPY OF ITS RATES UPON YOUR REQUEST. WHEN YOU ORDER SERVICE, YOUR LOCAL TELEPHONE COMPANY MUST EXPLAIN THE CHARGES FOR "REGULATED" AND "UNREGULATED" SERVICES THAT YOU ORDER.

"REGULATED" CHARGES ARE CHARGES FOR BASIC AND OPTIONAL SERVICES THE PUCO HAS APPROVED TO BE PROVIDED BY THE COMPANY FOR A SPECIFIC DOLLAR AMOUNT. BASIC SERVICES ARE NECESSARY FOR YOU TO USE YOUR TELEPHONE. YOUR PHONE WILL OPERATE WITHOUT THE OPTIONAL SERVICES. REGULATED SERVICES CAN INCLUDE ACCESS TO THE LOCAL NETWORK, CALL-WAITING AND TOUCH-TONE SERVICE.

"UNREGULATED" CHARGES ARE THOSE SERVICES THAT, ACCORDING TO CURRENT OHIO LAW, DO NOT REQUIRE PUCO APPROVAL OF THE RATES. CHARGES IN THIS CATEGORY ARE FOR SPECIAL FEATURES OR PRODUCTS SOME CUSTOMERS WANT WITH THEIR PHONE SERVICE, SUCH AS VOICE MAIL OR THE EQUIPMENT USED FOR CALLER ID.

THE COMPANY MUST PROVIDE INFORMATION TO HELP YOU CHOOSE THE LOWEST COST SERVICES AVAILABLE TO MEET YOUR NEEDS. WHEN YOU ORDER YOUR LOCAL SERVICE, YOU ARE ALSO ASKED TO CHOOSE YOUR LONG-DISTANCE CARRIER.

IF YOU ARE RECEIVING FEDERAL OR STATE BENEFITS OF ANY KIND BE SURE TO TELL YOUR LOCAL TELEPHONE COMPANY. YOU MAY BE ELIGIBLE FOR LOW-INCOME ASSISTANCE PLANS THAT PROVIDE FOR DISCOUNTS ON YOUR BASIC LOCAL SERVICE AND A WAIVER OF SERVICE CONNECTION FEES AND DEPOSITS.

#### PROVIDING YOUR SERVICE

PUCO RULES REQUIRE LOCAL TELEPHONE COMPANIES TO PROVIDE NEW CUSTOMERS WITH LOCAL TELEPHONE SERVICE WITHIN FIVE DAYS AFTER NEW SERVICE IS ORDERED. IF SERVICE IS NOT PROVIDED WITHIN THE REQUIRED TIME FRAMES, CUSTOMERS MAY RECEIVE A FULL OR PARTIAL WAIVER OF INSTALLATION CHARGES.

YOU MUST BE GIVEN A MONTHLY BILL FOR SERVICE. THAT BILL MUST SHOW: (1) CHARGES FOR ALL REGULATED AND UNREGULATED SERVICES; (2) AN ITEMIZED LISTING OF AND CHARGES FOR LONG-DISTANCE CALLS; (3) AN ITEMIZED LISTING FOR ALL CHARGES FOR "900" AND OTHER PAY-PER-CALL SERVICES WHICH MUST BE INCLUDED IN A SEPARATE PORTION OF YOUR PHONE BILL. THIS SECTION MUST HAVE A NOTICE THAT NONPAYMENT OF SUCH CHARGES CANNOT RESULT IN THE LOSS OF REGULAR LOCAL OR LONG DISTANCE SERVICE; (4) TOTAL AMOUNT DUE; (5) THE DATE WHEN PAYMENT MUST BE RECEIVED BY THE COMPANY BEFORE IT IS CONSIDERED OVERDUE; AND, (6) ALL OTHER FACTS UPON WHICH THE BILL IS BASED. FOR A MORE DETAILED EXPLANATION ABOUT YOUR TELEPHONE BILL, CONTACT THE PUCO TO REQUEST OUR PUBLICATION ON UNDERSTANDING YOUR TELEPHONE BILL.

IF YOU DISAGREE WITH THE CHARGES SHOWN ON YOUR BILL, YOU SHOULD CONTACT YOUR TELEPHONE COMPANY FOR AN EXPLANATION OF THE CHARGES. IF YOU HAVE A BILLING DISPUTE, THE COMPANY WILL NOT DISCONNECT YOUR SERVICE IF YOU PAY THE UNDISPUTED PORTION OF THE BILL OR THE AMOUNT PAID FOR THE SAME BILLING PERIOD IN THE PREVIOUS YEAR. WHILE THE COMPLAINT IS BEING INVESTIGATED, YOU STILL MUST PAY ALL CURRENT BILLS AND CONTINUE DISCUSSION WITH THE COMPANY TO SETTLE THE COMPLAINT.

EACH TIME YOUR TELEPHONE SERVICE IS OUT OF ORDER FOR MORE THAN TWENTY-FOUR CONTINUOUS HOURS, YOUR LOCAL TELEPHONE COMPANY MUST REDUCE BY ONE THIRTIETH THE AMOUNT DUE FOR YOUR LOCAL SERVICE. IF YOU ARE WITHOUT TELEPHONE SERVICE FOR MORE THAN FORTY-EIGHT HOURS, ADDITIONAL SERVICE CREDITS WILL BE APPLIED TO YOUR ACCOUNT BY YOUR LOCAL TELEPHONE COMPANY. IF YOUR TELEPHONE SERVICE IS OUT OF ORDER, YOU SHOULD REPORT IT TO YOUR LOCAL TELEPHONE COMPANY IMMEDIATELY. THEN, IF YOU DO NOT SEE A REDUCTION IN YOUR BASIC LOCAL SERVICE CHARGE ON YOUR NEXT BILL, YOU SHOULD

CONTACT THE COMPANY TO SEE WHEN YOUR BILL WILL BE ADJUSTED.

#### CUSTOMER APPOINTMENTS

YOUR LOCAL COMPANY MUST PROVIDE YOU WITH A MORNING OR AFTERNOON "WINDOW" FOR SCHEDULING AN INSTALLATION OR REPAIR APPOINTMENT. IN THE EVENT THE COMPANY FAILS TO MEET A SCHEDULED INSTALLATION APPOINTMENT, THE COMPANY SHALL WAIVE AT LEAST ONE-HALF OF THE INSTALLATION CHARGES, UPON REQUEST. IN THE EVENT THE COMPANY FAILS TO MEET A REPAIR APPOINTMENT OR COMMITMENT, THE COMPANY SHALL CREDIT THE CUSTOMER'S BILL IN THE AMOUNT OF ONE-HALF MONTH'S LOCAL SERVICE CHARGES FOR EACH REPAIR APPOINTMENT OR COMMITMENT MISSED, UPON REQUEST.

#### PAYING FOR YOUR SERVICE

##### SERVICE CONNECTION FEES

YOUR LOCAL TELEPHONE COMPANY MAY CHARGE YOU AN INSTALLATION OR "SERVICE CONNECTION" FEE WHEN YOU FIRST ESTABLISH SERVICE AND EACH TIME YOU TRANSFER SERVICE WHEN YOU MOVE. YOU HAVE THE RIGHT TO SPREAD THE PAYMENT OF THESE CHARGES OVER THREE MONTHLY PAYMENTS.

##### DEPOSITS

YOUR LOCAL OR LONG DISTANCE TELEPHONE COMPANY MAY, AT ANY TIME, REQUIRE NEW OR EXISTING CUSTOMERS TO PAY A CASH DEPOSIT TO GUARANTEE SERVICE. YOUR TELEPHONE COMPANY HAS A POLICY EXPLAINING HOW IT DETERMINES A CUSTOMER'S CREDIT STATUS AND WHEN IT WILL REQUIRE A DEPOSIT. THE COMPANY'S DEPOSIT POLICY MUST AGREE WITH THE FOLLOWING PUCO REQUIREMENTS:

THE DECISION TO REQUIRE A DEPOSIT SHALL BE BASED ONLY ON YOUR CREDIT HISTORY AND SHALL NOT BE BASED UPON LOCATION, INCOME LEVEL, SOURCE OF INCOME, OCCUPATION, RACE, CREED, SEX, NATIONAL ORIGIN, MARITAL STATUS OR NUMBER OF DEPENDENTS.

A DEPOSIT IS NOT REQUIRED IF ANOTHER PERSON, ACCEPTABLE TO THE TELEPHONE COMPANY, WILL "GUARANTEE" PAYMENT OF YOUR LOCAL SERVICE.

IF YOU ARE AN EXISTING CUSTOMER, YOU MAY BE REQUIRED TO PAY A DEPOSIT IF YOUR PAYMENT RECORD SHOWS CREDIT RISK. THE DEPOSIT AMOUNT MAY NOT BE MORE THAN TWO-HUNDRED AND THIRTY PER CENT OF YOUR AVERAGE MONTHLY BILL. IF YOU ONLY HAVE LOCAL SERVICE PROVIDED AND BILLED THROUGH YOUR LOCAL COMPANY, YOUR DEPOSIT SHALL BE BASED ONLY ON YOUR LOCAL SERVICE. IF YOUR LOCAL TELEPHONE COMPANY ALSO PROVIDES YOUR TOLL SERVICE, OR ACTS AS THE BILLING AND COLLECTION AGENT FOR A LONG DISTANCE COMPANY, YOUR LOCAL TELEPHONE COMPANY CAN ALSO REQUIRE A DEPOSIT BASED ON AN ESTIMATE OF LONG-DISTANCE USAGE. THE DEPOSITS FOR LONG DISTANCE AND LOCAL SERVICE MUST BE ACCOUNTED FOR SEPARATELY.

IF YOU PAY ALL YOUR MONTHLY TELEPHONE BILLS ON TIME FOR TWELVE MONTHS AFTER PAYING THE DEPOSIT, THE ORIGINAL DEPOSIT AMOUNT PLUS SIMPLE INTEREST WILL BE REFUNDED TO YOU. IF YOU PAY A DEPOSIT, YOU STILL HAVE TO PAY YOUR TELEPHONE BILL ON TIME. YOUR DEPOSIT CANNOT BE USED TO PAY A CURRENT BILL. YOUR DEPOSIT CAN BE APPLIED TO AN OUTSTANDING ACCOUNT BALANCE ONLY AFTER YOU STOP SERVICE AT YOUR CURRENT ADDRESS.



## PAYING YOUR BILL

YOU MUST PAY FOR SERVICE, A DEPOSIT, OR OTHER REGULATED CHARGES BY THE DUE DATE ON THE BILL OR NOTICE. THE DUE DATE MUST BE AT LEAST FOURTEEN DAYS AFTER THE POSTMARK ON THE BILL. IF YOU PAY ONLY PART OF YOUR BILL, THE TELEPHONE COMPANY WILL APPLY YOUR PAYMENT TOWARD YOUR LOCAL SERVICE CHARGES FIRST, UNLESS YOU TELL THE COMPANY TO DO SOMETHING DIFFERENT. YOU ALSO MUST TELL THE COMPANY WHEN YOU ARE MOVING FROM YOUR CURRENT ADDRESS AND NEED TO HAVE SERVICE SHUT OFF OR TRANSFERRED TO ANOTHER ADDRESS.

## UNDERCHARGES AND REFUNDS

IF YOU HAVE BEEN CHARGED TOO MUCH, YOU WILL GET A REFUND OR A CREDIT ON FUTURE BILLS. IF YOU HAVE BEEN CHARGED TOO LITTLE, YOU CAN PAY THE DIFFERENCE OVER AN EXTENDED PERIOD IF THE AMOUNT YOU OWE IS GREATER THAN ONE MONTH OF BASIC LOCAL SERVICE. YOU WILL BE GIVEN THE SAME NUMBER OF MONTHS TO PAY AS THE TIME PERIOD OVER WHICH THE BILLING ERROR OCCURRED.

THE COMPANY IS REQUIRED TO PAY INTEREST ON ANY OVERPAYMENT. THE REFUND WILL BE ISSUED EITHER AS A CREDIT TO YOUR ACCOUNT OR BY A CHECK ISSUED WITHIN TWO BILLING PERIODS OF DISCOVERY. YOU MAY HAVE THE REFUND IN THE FORM OF A CHECK ONLY IF YOUR ACCOUNT IS CURRENT AND YOU REQUEST SUCH.

## SERVICE DISCONNECTION

IF YOU DO NOT PAY YOUR BILL ON TIME, YOUR TELEPHONE COMPANY CAN DISCONNECT YOUR SERVICE AFTER FOLLOWING CERTAIN PROCEDURES. YOUR LOCAL TELEPHONE COMPANY CANNOT SHUT OFF YOUR SERVICE UNLESS IT HAS BILLED YOU FOR THE CHARGES AND, HAS SENT YOU A WRITTEN DISCONNECT NOTICE WITH SEVEN

DAYS TO RESPOND. IN NO INSTANCE MAY THE LOCAL COMPANY DISCONNECT YOUR SERVICE PRIOR TO FOURTEEN DAYS AFTER THE DUE DATE ON YOUR BILL.

YOUR LOCAL TELEPHONE COMPANY MAY DISCONNECT YOUR LOCAL SERVICE WITHOUT WRITTEN NOTICE FOR SAFETY REASONS, UPON A COURT ORDER, OR IF SERVICE WAS OBTAINED OR IS BEING USED FRAUDULENTLY.

YOUR LOCAL SERVICE CAN BE DISCONNECTED ONLY FOR NON- PAYMENT OF REGULATED LOCAL SERVICE CHARGES.

YOUR LONG-DISTANCE SERVICE CAN BE DISCONNECTED ONLY FOR FAILURE TO PAY YOUR REGULATED LONG-DISTANCE CHARGES.

THE DISCONNECTION NOTICE WILL INCLUDE INFORMATION ABOUT THE AMOUNT PAST DUE AND THE DATE WHEN THAT AMOUNT MUST BE PAID TO AVOID A DISCONNECTION OF YOUR LOCAL SERVICE.

THE DISCONNECT NOTICE SHALL ALSO INCLUDE INFORMATION ABOUT THE AMOUNT PAST DUE FOR LONG DISTANCE WHICH MUST BE PAID TO AVOID DISCONNECTION OF LONG DISTANCE SERVICE. A DISCONNECTION NOTICE MUST TELL YOU YOUR BASIC RIGHTS REGARDING SERVICE DISCONNECTION.

STOP DISCONNECTION BY:

PAYING, ON OR BEFORE THE DATE THE NOTICE OF DISCONNECTION EXPIRES, THE AMOUNT MORE THAN SEVEN DAYS PAST DUE: OR

SETTING UP AN INSTALLMENT PAYMENT PLAN WITH THE TELEPHONE COMPANY TO PAY YOUR PAST DUE BALANCE.

WHEN SETTING UP AN INSTALLMENT PAYMENT PLAN TO PAY ANY PAST DUE BALANCE, COMPANIES MUST CONSIDER IF YOU, OR A MEMBER OF YOUR HOUSEHOLD,

HAS A MEDICAL CONDITION THAT IS ESPECIALLY DANGEROUS TO HEALTH OR IS LIFE THREATENING.

IF YOU HAVE A DISPUTE REGARDING THE DISCONNECTION NOTICE, YOU CAN:

- CALL THE TELEPHONE COMPANY TOLL-FREE TO RESOLVE ANY DISAGREEMENT ABOUT THE AMOUNT DUE OR THE DUE DATE;
- MAKE AN INFORMAL COMPLAINT TO THE PUCO BY LETTER, TELEPHONE OR IN PERSON; OR
- FILE A FORMAL WRITTEN COMPLAINT WITH THE PUCO WITH A REQUEST TO DELAY DISCONNECTION OF YOUR SERVICE UNTIL AFTER THE FORMAL COMPLAINT HEARING.

YOUR SERVICE CANNOT BE DISCONNECTED BETWEEN 12:30 P.M. ON THE LAST BUSINESS DAY OF THE WEEK AND 8 A.M. THE FOLLOWING MONDAY. IT ALSO MAY NOT BE DISCONNECTED BETWEEN 12:30 P.M. ON THE DAY BEFORE ANY FEDERAL HOLIDAY OR TELEPHONE COMPANY OBSERVED HOLIDAY AND 8 A.M. THE DAY FOLLOWING THE HOLIDAY. THE COMPANY SHALL HAVE AUTHORIZED PERSONNEL AVAILABLE TO RECONNECT SERVICE UNTIL AT LEAST THE CLOSE OF BUSINESS, MONDAY THROUGH FRIDAY IF THE CONDITIONS CITED AS GROUNDS FOR DISCONNECTION ARE CORRECTED AND ANY RESTORAL CHARGE IS PAID.

#### RECENT CHANGES IN YOUR PHONE SERVICE

THE TELECOMMUNICATIONS INDUSTRY HAS EXPERIENCED DRAMATIC CHANGES DUE TO COMPETITION AND CHANGES IN REGULATION. IN GENERAL, THESE CHANGES ALLOW CUSTOMERS TO PROVIDE THEIR OWN EQUIPMENT, WIRING, AND REPAIR THROUGHOUT THEIR HOME OR BUSINESSES. LOCAL PHONE COMPANIES ARE RESPONSIBLE ONLY FOR PROVIDING AND MAINTAINING SERVICE

LEADING TO YOUR HOME OR BUSINESS. MAINTENANCE OF TELEPHONE EQUIPMENT AND WIRE INSIDE YOUR HOME OR BUSINESS IS YOUR RESPONSIBILITY.

WHEN REPAIRS ARE NEEDED, YOU CAN PAY THE COMPANY TO SERVICE THE EQUIPMENT, HIRE SOMEONE ELSE TO DO THE WORK, OR DO THE WORK YOURSELF. IF YOU RENT, YOU SHOULD CHECK WITH YOUR LANDLORD PRIOR TO SCHEDULING ANY REPAIRS. COMPANIES WILL ALSO OFFER TO SELL YOU OPTIONAL TELEPHONE MAINTENANCE AND WIRING PLANS. YOUR LOCAL TELEPHONE COMPANY MUST GIVE YOU A TEN DAY "COOLING OFF" PERIOD TO CHANGE YOUR MIND ABOUT WHETHER TO KEEP A MAINTENANCE CONTRACT FOR INSIDE-THE-HOME TELEPHONE WIRING. NO CHARGE FOR THE PLAN CAN BE ASSESSED IF YOU CANCEL DURING THIS TIME FRAME. THE LOCAL COMPANY IS ALSO REQUIRED TO SEND YOU AN INFORMATIONAL NOTICE CONCERNING INSIDE WIRE MAINTENANCE PLANS SIMILAR TO THAT INCLUDED IN A SECTION OF THE INFORMATIONAL PAGES OF YOUR DIRECTORY.

#### BUYING OR LEASING YOUR TELEPHONE

IN THE PAST, YOUR TELEPHONE WAS OWNED BY THE TELEPHONE COMPANY. SINCE PHONE COMPANIES' LOCAL AND LONG DISTANCE BUSINESSES WERE SPLIT UP, CONSUMERS WERE GIVEN A CHANCE TO BUY THEIR LEASED PHONES. TODAY TELEPHONES MAY BE PURCHASED, IN ALL PRICE RANGES, FROM A VARIETY OF SOURCES, INCLUDING YOUR TELEPHONE COMPANY AS WELL AS MANY DEPARTMENT AND DRUG STORES. LEASING MAY OFFER CERTAIN BENEFITS SUCH AS FREE REPLACEMENT OR REPAIRS, BUT YOU MAY FIND THAT BUYING YOUR PHONE IS THE CHEAPEST ALTERNATIVE FOR YOU.

FOR SUGGESTIONS ON HOW TO MANAGE YOUR TELEPHONE COSTS, CONTACT THE PUCO FOR CONSUMER TIPS TO REDUCE TELEPHONE COSTS.

## OPERATOR SERVICES

CONSUMERS MAY ALSO FIND A NEW TYPE OF TELEPHONE OPERATOR SERVICE, KNOWN AS ALTERNATIVE OPERATOR SERVICES (AOS), WHEN THEY PLACE CALLS FROM PUBLIC PAYPHONES AS WELL AS HOTELS, HOSPITALS, AND AIRPORTS. AOS SERVICES INCLUDE HANDLING OF COLLECT CALLS, THIRD NUMBER BILLING, AND EVEN CALLS BILLED TO TELEPHONE COMPANY CALLING CARDS (WHICH, IN SOME CASES, MAY BE HANDLED BY A COMPUTER). AOS'S PAY BUSINESSES A FEE OR COMMISSION FOR EACH OPERATOR-ASSISTED CALL PLACED THROUGH THEIR COMPANY. AS A RESULT, THE COST FOR A CALL PLACED THROUGH AN AOS ARE OFTEN HIGHER THAN THE COST FOR A CALL PLACED THROUGH A LOCAL TELEPHONE COMPANY OR A LONG DISTANCE COMPANY. HOWEVER, PRIOR TO MAKING THE CALL, A CALLER HAS THE RIGHT TO FIND OUT WHICH OPERATOR SERVICE WILL BE PLACING THE CALL AND ALL APPLICABLE CHARGES. IF THE CALLER IS NOT SATISFIED, THE CALL MAY BE TERMINATED WITHOUT CHARGE. IF DESIRED AND TECHNICALLY POSSIBLE, A DIFFERENT OPERATOR SERVICE MAY BE REQUESTED BY THE CALLER. AOS COMPANIES ARE REGULATED BY THE PUCO.

## HARASSING CALLS

YOU HAVE A RIGHT TO ANY AND ALL INFORMATION CONCERNING SERVICES PROVIDED BY YOUR LOCAL TELEPHONE COMPANY THAT ARE AVAILABLE TO COMBAT HARASSING OR ANNOYING CALLS.

### HOW TO DEAL WITH OBSCENE OR HARASSING CALLS.

- SAY HELLO ONLY ONCE.
- DON'T TALK OR LISTEN.
- HANG UP GENTLY SO AS NOT TO LET THE CALLER KNOW YOU'RE ANGRY OR UPSET.

- RECORD THE DATE AND TIME OF THE CALL.

IF THE CALLS CONTINUE, CONTACT YOUR TELEPHONE COMPANY REPRESENTATIVE. THE REPRESENTATIVE MAY BE ABLE TO OFFER YOU TIPS ON HOW TO DEAL WITH THE HARASSING CALLS. HE/SHE MAY ALSO BE ABLE TO PLACE A TRACE ON YOUR LINE TO DETERMINE WHO IS PLACING THE CALLS. THE CALLER MAY THEN BE WARNED OF POTENTIAL LEGAL ACTION AND POSSIBLE DISCONNECTION OF PHONE SERVICE IF THE CALLS CONTINUE. IF YOU RECEIVE A THREATENING CALL, REPORT IT TO THE POLICE IMMEDIATELY.

SOME COMPANIES NOW OFFER SERVICES THAT PERMIT THE CUSTOMER TO TRACE THE NUMBER OF THE CALLER. MANY COMPANIES ALSO OFFER OTHER CALL MANAGEMENT TOOLS THAT CAN HELP YOU DETER UNWANTED CALLS OF ANY TYPE. CONTACT YOUR LOCAL COMPANY FOR FURTHER DETAILS.

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of )  
the Minimum Telephone Service Standards ) Case No. 96-1175-TP-ORD  
as Set Forth in Chapter 4901:1-5 of the )  
Ohio Administrative Code. )

FINDING AND ORDER

The Commission finds:

I. BACKGROUND:

By entry issued on October 18, 1988, in Case No. 83-869-TP-COI, *In the Matter of the Revision of the Minimum Telephone Service Standards as set forth in Chapter 4901:1-5 of the Ohio Administrative Code (83-869)*, the Commission last revised the minimum telephone service standards by which a local exchange carrier's (LEC's) performance was to be evaluated. In 1988, the provision of local exchange service was characterized by one provider per market. Many regulatory changes have taken place in the telecommunications industry since 1988. At the state level, on December 15, 1988, Amended Substitute House Bill No. 563 (H.B. 563) was signed into law which enacted several new statutes including Sections 4905.402 and 4927.01 through 4927.05, Revised Code. This legislation, which primarily took effect on March 17, 1989, authorized the Commission, among other things, to exempt a telephone company, with respect to a competitive telecommunications service it provides, from compliance with existing statutory provisions regarding ratemaking or any other aspect of telephone company regulation, or to prescribe alternative regulatory requirements applicable to such service and company; to use ratemaking methods different than those in previously existing law to set rates for basic local exchange service and other telecommunications services not found to be competitive; and to exempt certain local exchange carriers (those having less than 15,000 access lines) from various provisions of previously existing law or to prescribe alternative regulatory requirements for that company and its services. The General Assembly adopted Section 4927.02, Revised Code, which provides that it is the policy of this state to:

- (1) Ensure the availability of adequate basic local exchange service to citizens throughout the state;
- (2) Maintain just and reasonable rates, rentals, tolls, and charges for public telecommunications service;
- (3) Encourage innovation in the telecommunications industry;

- (4) Promote diversity and options in the supply of public telecommunication services and equipment throughout the state; and
- (5) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of public telecommunication services where appropriate.

Following the adoption of H.B. 563, the Commission initiated several dockets designed to implement these provisions. First, the Commission opened *In the Matter of the Commission Investigation Into Implementation of Sections 4927.01 Through 4927.05, Revised Code, as They Relate to Competitive Telecommunication Services*, Case No. 89-563-TP-COI (89-563), on April 12, 1989. The purpose of 89-563 was to revisit whether, in light of the legislative changes made by H.B. 563, the then-current regulatory framework for competitive telecommunication service providers was appropriate. By order adopted on October 22, 1993, as modified on rehearing on December 22, 1993, we determined that additional regulatory flexibility was warranted for competitive telecommunication service providers.

Recognizing the small customer bases and limited resources of those incumbent local exchange companies serving fewer than 15,000 access lines in Ohio, on June 20, 1989, the Commission initiated a docket to address the appropriateness of an alternative form of regulation for small LECs, *In the Matter of the Commission Investigation Into the Implementation of Sections 4927.01 to 4927.05, Revised Code, as They Relate to Regulation of Small Local Exchange Telephone Companies*, Case No. 89-564-TP-COI (564). That proceeding culminated in the adoption of alternative regulatory requirements involving rate and tariff changes effective September 1, 1991.

On July 2, 1992, the Commission initiated a docket, *In the Matter of the Commission's Promulgation of Rules for Establishment of Alternative Regulation for Large Local Exchange Telephone Companies*, Case No. 92-1149-TP-COI, to establish a framework whereby large LECs could seek to utilize the flexibility found in Sections 4927.03 and 4927.04, Revised Code, concerning exemption from or alternative regulatory requirements for certain telecommunications services.

The Commission began its formal investigation into the development of competition in the local exchange market on September 21, 1995. See, *In the Matter of the Commission Investigation Relative to the Establishment of Local Exchange Competition and Other Competitive Issues*, Case No. 95-845-TP-COI. The Commission issued a Finding and Order on June 12, 1996. Thereafter, the Commission received several requests for rehearing and took such under consideration. On November 7, 1996, the Commission granted some of the rehearing requests and denied others. Another round of rehearing then took place culminating in the Commission revising and reissuing its competitive local service guidelines on February 20, 1997.



Most significantly, in February 1996, the United States Congress passed and the President signed legislation overhauling the Federal Communications Act of 1934. This newly enacted legislation, the Telecommunications Act of 1996 (1996 Act), sought to develop competition in the telecommunications industry, particularly in the provisioning of local exchange services. The 1996 Act imposed obligations and responsibilities upon telecommunications carriers, the Federal Communications Commission (FCC), and the state commissions. In accordance with the directives contained in the 1996 Act, the FCC began, in several dockets, to review and develop Rules under which the 1996 Act's goals and requirements would be carried out.

In light of the recent legislative changes, and the changes in the telecommunications marketplace that have occurred since 1988, it is imperative that the Commission review and revise the minimum telephone service standards (MTSS) to accommodate the entry of new carriers while preserving the quality of service end-users have come to expect from the telecommunications industry. The revision of the MTSS is but the next step in an evolving process to make the transition from a monopolistic environment to a telecommunications market embraced by competition. As competition will likely develop in the metropolitan areas first, the state will be at different points on the continuum of competition for some time. However, the public must be ensured of at least a minimum level of service in areas where there continues to be just one provider of telecommunications service as well as in those markets where there are numerous new carriers. Moreover, in a competitive resale environment, standards are needed to ensure quality service both to customers and to the resellers. Accordingly, the Commission must determine to what extent, if any, competitive market forces can replace regulatory regulation while continuing to ensure the public a minimum quality of telecommunications service.

Before formally opening this docket to invite comments from the industry and public, the Staff held numerous informal meetings with individual entities, industry organizations, and a wide variety of community organizations to ascertain their views about the quality of the telecommunication services they received and expected in addition to obtaining suggestions for improvement. Furthermore, the Staff commissioned a study by the National Regulatory Research Institute (NRRI) to evaluate telecommunications service quality while providing the Staff with a clear cut and unbiased indication of what the public expects from telecommunications providers. The study conducted by NRRI included a survey of 800 residential and over 400 business/nonresidential Ohio telephone subscribers, and made inquiries as to the service issues that are important to them as consumers of telecommunication services. The study conducted by NRRI was formally docketed in this proceeding on December 5, 1996 and forms a part of the record on which the Commission is making decisions in this proceeding.

By entry issued December 5, 1996, the Commission opened this docket and invited the industry and the public to formally comment on Staff's proposal to revise

the MTSS. The December 5, 1996 entry set forth the Staff's initial recommendation in this docket and invited comments to be filed. Subsequently, motions were filed by the Ohio Telephone Association, AT&T Communications of Ohio, Time Warner Communications, Ohio Cable Telecommunications Association and MCI Telecommunications. By entry issued December 31, 1996, the comment and reply period was extended to February 12, 1997, to file initial comments and until February 28, 1997, to file reply comments. A workshop was held on January 6, 1997 for all interested persons to discuss with Staff the intent and meaning of the proposed Rules and ask questions of Staff. On February 14, 1997, as amended on February 19, 1997, each person who filed comments in this proceeding was directed to serve a copy on each other person who filed comments as well as serve a copy of any reply comments docketed. The record in this matter reveals that the following entities have filed either initial comments, reply comments or both:

Telecommunications Resellers Association (TRA); Gail Minnick (Minnick); The Edgemont Neighborhood Coalition jointly with The Appalachian People's Action Coalition (Edgemont/APAC); Ashtabula County Telephone Coalition (Ashtabula); Century Telephone of Ohio Inc. (Century)<sup>1</sup>; J. Drew McFarland (McFarland); Working Assets Funding Service (Working Assets); GTE North Inc. (GTE); AT&T Communications of Ohio (AT&T); MCI Telecommunications Corp. (MCI); Cincinnati Bell Telephone Co. (CBT); Sprint<sup>2</sup> and Sprint Communications Co. L.P. (Sprint); Ameritech Ohio (Ameritech); the Ohio Consumers' Counsel (OCC); The Ohio Telecommunications Industry Association (OTIA); Ohio Payphone Association (OPA); Nextlink Ohio, L.L.C. (Nextlink); and Communications Buying Group, Inc. (CBG).<sup>3</sup>

After reviewing the Staff's proposal, the NRRI study, the comments, reply comments and letters submitted in this matter, the Commission herein revises most of the minimum telephones service standards incorporated at Chapter 4901:1-5, Ohio Administrative Code (O.A.C.). The Staff's proposed Rules will hereinafter be referred to as the proposed Rules while the new Rules will be referred to as the adopted Rules. The Commission notes that Chapter 4901:1-5 as it currently exists is hereby rescinded and replaced with a new set of Rules. The former rules will expire on July 7, 1997. Adopted Rules 4901:1-5-18 and 24, O.A.C., will be applicable to incumbents local exchange

<sup>1</sup> Century concurs in the comments of OTIA unless specifically noted otherwise.

<sup>2</sup> Sprint was formerly known as United Telephone Co. the local exchange carrier.

<sup>3</sup> On March 11, 1997, Telecommunications Resellers Association filed surreply comments. However, an additional series of comments was not requested by the Commission and is not a part of the procedure established for these types of proceedings. Accordingly, to the extent that the surreply comments are noted in the initial or reply comments of others the issue will be addressed in the Order. On March 2, 1997, VoiceLog LLC filed comments. Like the surreply comments of TRA, to the extent that these comments are noted in the initial or reply comments of others, the issue will be addressed in the Order.

companies (ILECs) on October 1, 1997 and to new entrant carriers (NECs) January 1, 1998. In the meantime, adopted Rule 4901:1-5-25, O.A.C., shall apply to ILECs.

## II. DISCUSSION:

There are several generic and broad-reaching issues raised by numerous commentors which must be addressed at the outset: (1) whether these standards are truly minimum standards or at a level well above the minimum level of service a subscriber should expect; (2) applicability of MTSS to residential and business subscribers; (3) applicability of the MTSS to other telecommunication carriers in addition to ILECs; and (4) suggested clarifications and additions to address extended area service (EAS) issues.

First, the Commission will address the level of the standards proposed. OTIA and Ameritech argue that minimum standards should be just that, a minimum level of service, and assert that the proposed rules exceed the Commission's authority to develop minimum requirements for adequate service. Ameritech further questions the need for the proposed standards in a competitive environment and also suggests that the rules be subjected to a feasibility test from a technical and economic perspective. The Commission disagrees with Ameritech's assertion that the proposed rules are well above a "minimum" level of service. With ever emerging technology and the public's increased reliance upon telecommunication services, consumers' expectations of the level of acceptable service has also risen. The proposed minimum standards are to preserve and ensure that the service quality experienced by most consumers in the state of Ohio continues with the entry of numerous new providers of telecommunications service. The proposed standards are based on surveys of customer satisfaction levels, comparisons with other states, and experience gleaned from the Public Interest Center hotline. These are minimum standards, which to a large degree are currently being exceeded by many companies.

A similar argument challenging the "minimum" level of service required by the proposed rules was first or previously asserted in 83-869 by OTIA (then known as the Ohio Telephone Association, OTA) and rejected by the Commission. The standards we are adopting today eliminate the rules which are no longer necessary, reduce the companies' reporting requirements, and retain only those rules necessary to protect the public and ensure the continued growth and development of the telecommunications industry.

As Ameritech asserts and the Commission recognizes, competition may very well eliminate the need for some minimum standards in the near future. However, as with most services, competition will not be introduced and effective throughout the state instantaneously or at the same rate of development for urban as compared to rural areas. Moreover, Ameritech's argument totally ignores the advent of resale competition where the ILEC will remain the monopoly network provider and will provide repair and installation service for the resellers. The Commission agrees with

the reply comments of Ashtabula that MTSS must recognize that rural areas will not likely have the same level as telecommunications competition of metropolitan areas. Accordingly, the Commission must enact rules that acknowledge that the state of competition will vary throughout the state and endeavor to ensure that those areas of the state which are among the last to experience true competition in the provisioning of local telecommunication services at least receive adequate telephone service. The Commission will, however, review these rules to determine the continued viability and necessity of the rules two years after the effective date of the last standards to be adopted.

Second, certain commentators assert that the proposed standards should not extend to business customers. Sprint, CBT, OTIA, MCI and Ameritech argue that the MTSS should be applicable to residential customers only. More specifically, Sprint asserts that the marketplace will take care of the concerns of business customers. Similarly, Sprint argues that business customers, unlike residential customers, have considerable bargaining power and options for service such as competitive access providers, centrex resellers, and advantages like the "fresh look" provision of the local competition guidelines adopted in 95-845. Edgemont/APAC retort that the assertion by some commentators that competition eliminates the need for some of the proposed Rules is overstated. While large business customers with hundreds of access lines and elaborate telecommunication services may wield the bargaining power Sprint suggests, there are numerous small enterprises that are much more like the captive residential customers.

The Commission agrees with the comments made by Edgemont/APAC. The representation made by Edgemont/APAC is overwhelmingly supported by NRRI's study. The study demonstrates that business customers are consistently more concerned about their quality of service (Table 1-1). According to the NRRI study, nonresidential customers were slightly less satisfied with any repairs performed (Table 1-27) and expected to wait a shorter period of time for their service to be repaired (Table 1-29) than residential customers. Most nonresidential customers considered it to be very important to be informed by the LEC of the estimated time necessary to complete repairs (Table 1-57). Furthermore, nonresidential telephone complaints to the Commission's Public Interest Center hotline have increased 600 percent since 1993, indicating even more problems and questions regarding nonresidential service since the advent of competition. The Commission notes that a letter from a member of the business users group indicates that business customers need more protection than residential customers. The Commission is persuaded further that of the other states surveyed by the Staff, all have made their standards applicable to business customer as well as residential customers.

Third, we will address the issue of the applicability of MTSS to all carriers of telecommunication services. The proposed Rule 4901:1-5-01(A), O.A.C., specifically makes the standards in Chapter 4901:1-5, O.A.C., applicable to all regulated intrastate telecommunications carriers. Several carriers, AT&T, MCI, TRA, CBG, and Working Assets, argue that the standards should not be applicable to non-facilities based carriers,

as non-facilities based carriers depend on the underlying carriers to timely perform certain functions for the non-facilities based carrier to provide service. Working Assets urges the Commission to determine that the standards do not apply to switchless rebillers of interexchange services, as the Commission has previously granted interexchange rebillers relief from its jurisdiction and to now find the standards applicable to the same entities would be inconsistent. The Commission agrees that the MTSS should not be applicable to interexchange switchless rebillers at this time, as they are currently relieved from Commission jurisdiction.

OTIA requests that the standards only apply to service provided by LEGs to their end-user customers and not to other carriers. OTIA's proposal overlooks the fact that there is an end-user customer being served by the nonfacilities based provider. The end-user customer who receives his telecommunications service from the non-facilities based carrier has every right to expect adequate quality service like the end-user customer which receives his telecommunication services from the ILEC. CBT and GTE, on the other hand, are in favor of Rule 4901:1-5-01(A), O.A.C, as proposed. GTE, in its reply comments, support Staff's proposal and assert that resellers should protect themselves by specific contract provisions with the underlying carrier. The consumer groups are unanimous in their contention that MTSS should apply to all carriers. In a similar fashion as the consumer organization, CBT argues that MTSS should apply to all service providers and to do otherwise leaves consumers unprotected.

The Commission agrees with CBT and the consumer groups that the end-user of telephone service has every right to and expectation of an adequate quality of service irrespective of whether service is received from a facilities or non-facilities based carrier. To ensure the continuity of a minimum level of adequate service to all Ohio subscribers, it is necessary to hold the provider of service, whether facilities based or non-facilities based, to the same minimum standard. However, the Commission acknowledges the situation expressed by MCI and CBG. MCI in its initial comments listed examples of situations a NEC will face if MTSS is applicable to non-facilities based as well as facilities based providers of telecommunications service. The Commission recognizes that for a non-facilities based entity to provide service to its end-user customer which complies with MTSS, the underlying carrier from whom the non-facilities based carrier receives certain services and functions will be required to perform at a level which substantially exceeds the minimum levels of service dictated by MTSS. The Commission is also aware that, as asserted by CBG, the facilities-based carrier may have previously refused to incorporate the-then current or subsequently effective MTSS into the interconnection agreement. In light of the situation raised by MCI and CBG, as well as other similarly situated non-facilities based entities, the Commission has determined it to be necessary to amend and clarify the proposed MTSS.

Minimum standards adopted herein shall apply to all interconnection agreements, to the extent that no such standards were incorporated into the interconnection agreement or such standards in the interconnection agreement do not meet the level of the MTSS adopted herein. Accordingly, the standards adopted herein

shall govern the carrier-to-carrier relationship. Specifically, ILECs and NECs should recognize that incorporation of the provisions in Rule 4901:1-5-24, O.A.C., includes by reference the credit provisions for end-users pursuant to Rule 4901:1-5-18, O.A.C. Therefore, NECs may pursue recovery of the credits paid to customers pursuant to Rule 4901:1-5-18, O.A.C., from the underlying carrier if it is established that the underlying carrier is responsible for non-compliance.

CBT suggests that the Commission should release a carrier from the MTSS when the carrier has met or exceeded the MTSS for 12 consecutive months. While exceptional service in any industry may be worthy of praise, the MTSS are minimum standards, the lowest level of service acceptable without questioning the adequacy of service. An entity's ability to comply with the minimum level of service expected does not justify release from such requirements and, furthermore, does not guarantee adequate performance in the future. Accordingly, the Commission must reject CBT's suggestion.

Fourth, the Commission will address the numerous additions and clarifications to the proposed rules to incorporate and address issues of EAS. The Commission is sympathetic to the needs of subscribers to communicate with their county seat, schools, family and friends. However, the Commission contends that this docket is not the proceeding in which EAS issues can be fully explored and adequately addressed. The Commission has been for sometime exploring solutions to EAS which would allow subscribers to customize their local calling area to meet their individual calling needs. To that end, the Commission has authorized several pilot programs around the state to give us experience with several different EAS calling plans. Additionally, the Commission has begun informal dialogues with affected stakeholders to explore other solutions which might better address individual subscriber calling needs. Furthermore, the Commission is hopeful that local telephone competition will alleviate some of the existing EAS concerns and issues. Accordingly, the Commission is directing the commentors to those more appropriate forums to explore and recommend solutions to various EAS related issues.

### III. DISCUSSION OF SPECIFIC RULES:<sup>4</sup>

#### 4901:1-5-01 General Provisions

Rule 4901:1-5-01, O.A.C., should be adopted as proposed by the Staff except as amended to clarify as to the applicability of the standards between carriers as discussed above. The Commission also notes that most of the rules which includes ILECs and NECs for the purpose of these rules, adopted in Chapter 4901:1-5, O.A.C., are applicable only to LECs unless stated otherwise. Furthermore, the Commission believes it

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4 All references to the rules are made to the proposed rules and do not necessarily reflect the actual numbering of the MTSS adopted herein. Not all sections of all proposed rules will be discussed in the Finding and Order, only those section of the proposed rules to which substantive comments were filed will be addressed.

necessary to recognize within the rules themselves that, as competition evolves, particular rules may no longer be necessary. Accordingly, the Commission includes within Rule 4901:1-5-01, O.A.C., a two-year review period of the adopted standards.

Also, in recognition of the fact that local exchange service is in transition to a competitive market, the Commission acknowledges that the standards adopted herein do not preclude the Commission from approving contracts between incumbent LECs and resellers and between service providers and end-users, which differ from the standards adopted in order to meet end-user customers' telecommunications needs. However, the Commission reminds the telecommunication providers that the contracts must be filed with the Commission for approval and include a request for a waiver of the applicable MTSS, an explanation of why the waiver is necessary as well as evidence that the end-user customer is fully aware of the MTSS and knowingly waives the expectation of the MTSS.

#### **4901:1-5-02 Definitions**

##### **(A) access line:**

The Commission agrees with the recommendation of Sprint that the definition of access line be revised from circuit to transmission path. However, upon taking Sprint's advice to revise the definition of access line, we believe it is necessary to further define access line to include all possible facilities such as central office equipment, subscriber loop, and drop line.

##### **(F) base rate:**

Sprint asserts that the definition of base rate is inconsistent with the later definitions of zone charge (DDDD) and zone rate area (EEEE). While the definition of base rate maintains that base rates do not include extra mileage charges, zone charges (which are distance-sensitive but not mileage charges) may be included in the base rate. To rectify the discrepancy, Sprint recommends that base rate not include any reference to mileage charges. We agree that clarification of this definition is necessary. Therefore, we have revised the definition to make it clear that base rates are determined without regard to mileage. Further we believe it is necessary to reinstate the definition of base rate area to further define and clarify the area for base rate charges.

##### **(G) basic local exchange service:**

OTIA questions the inclusion of data or image communications within the definition of basic local exchange service. OTIA points out that, while it may be appropriate for rulemaking purposes to include this in the precise definition of basic local exchange service, it should be recognized that many access lines are not configured for the provision of data and/or image communications and such may be the case for some time as networks are upgraded. While the Commission acknowledges OTIA's

concerns and has revised the definition to note that data or image communications should be provided when available, LECs are reminded that, pursuant to the local service guidelines all LECs' public switched networks must facilitate the transmission of data at speeds of 14,400 bits per second by December 31, 1998.

(H) business day:

The proposed definition for business day generated far more opposition from the industry than any other proposed definition. Ameritech, CBT, OTIA and Sprint strenuously object to the inclusion of Saturday as a business day. OTIA stated that its members would incur significant unwarranted expense for a six-day work week. Sprint and OTIA assert that they perform neither installations of any type nor routine repair and maintenance on Saturdays. Furthermore, Sprint notes that installation and repair personnel are employed under union contracts, which are negotiated and binding for years at a time, and such contracts cannot be changed with ease. Therefore, Sprint concludes that the decision to extend a company's operating hours should be left to each individual service provider. The Commission has decided to eliminate any specification of a particular day in the definition of a business day and leave it up to the individual LEC to determine what is a business day, except where specifically stated otherwise within the particular rule.<sup>5</sup>

The Commission revised certain definitions for the purposes of clarity, including: busy line verification and residential service. Based on the comments received from the industry, the Commission has clarified the definition of NXX, telecommunications carrier and white pages. The definition of telecommunications carrier has been revised in accordance with the decision to make these standards applicable to LECs (including incumbents and new entrant carriers), IXCs and local exchange service rebillers and resellers, specifically excluding non-facilities based interexchange rebillers and resellers from the definition. Also, the Commission has added the following definitions based upon the comments filed by Ashtabula and OTIA, or upon its own initiative: base rate area, local calling area, non-listed numbers and outage. The Commission has deleted the term complaint from this rule and incorporated and clarified the term in Rule 4901:1-5-5, O.A.C., Subscriber Complaints and Complaint-Handling Procedures. The Commission has further determined that definitions for local service guidelines and message delivery service are unnecessary and therefore have been eliminated.

In spite of the assertions made by some commentators, the definition of exchange, incumbent local exchange carrier (ILEC), and new entrant carrier (NEC) must be retained as proposed. AT&T reasons that, since the definition of exchange is consistent with the 95-845 local service guidelines' definition, meaning a geographical service area established by an incumbent LEC, the Commission should simply confirm that a NEC can establish a serving area that is different than the exchange of an incumbent. CBT

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5 See, rule 4901:1-5-18(A), O.A.C., Subscriber Billing Adjustments for Local Exchange Service, which specifically includes Saturday, Sunday and holidays as days for the calculation of a credit due to service interruptions.



argues that the definition of exchange should be removed since all references to exchanges have been removed from these standards. CBT is incorrect as to the use of the term exchange in these standards; therefore, it is necessary that the term be defined. Furthermore, for consistency with the local service guidelines, the term exchange will be retained as proposed by the Staff. Also, CBT recommends that the part of the definition of ILEC which includes within the definition "or (ii) is a person or entity that, on or after such date of enactment, became a successor or assignee of a member described in clause (i)" does not define what an ILEC encompasses and should be deleted. The Commission has concluded that the definition of ILEC will be adopted as proposed, as this is the definition espoused by the FCC in the 1996 Act and exactly the same definition used in the Commission's local service guidelines. CBT also asserts that the proposed definition does not recognize the fact that an ILEC can become a NEC outside of its territory and recommends that the definition be revised to reflect such. Although the Commission agrees that the definition for a NEC does not reflect the fact that an ILEC can become a NEC outside of its service territory, the proposed definition for NEC is sufficient for the purposes of MTSS. The local service guidelines provide a more extensive definition and recognition of a NEC, its capabilities and limitations. Therefore, the definitions will be adopted as proposed by Staff.

Ashtabula notes the proposed MTSS completely ignore defining local calling area, and fails to adequately define other essential terms such as exchange, extended area service, flat rate, interexchange carrier, LATA, local service, local service area, local call, measured rate, message rate, message toll rate, toll, toll call, toll charges, toll circuits, toll connections, toll office and toll service. Ashtabula further asserts the lack of an adequate definition for the above listed definitions specifically makes proposed Rules 4901:1-5-06, 4901:1-5-16 and 4901:1-5-19, O.A.C., seriously deficient. As suggested by Ashtabula the term local calling area has been added to the MTSS. However, some terms suggested by Ashtabula are no longer technically necessary to define minimum service standards as the market has changed and will change even more so with the addition of NECs whose service area will not be defined in the traditional concepts of local as compared to toll or long distance service. Thus, definitions for message toll rate, tolls, toll call, toll charges, toll circuits, toll connections, toll office and toll service are unnecessary.

OCC was the only party that relied on other parties comments regarding proposed definitions. Its comment focused on the local calling areas. OCC supports Ashtabula's rationale which stated that, in service markets where competition will be very slow in coming, the incorporation of local calling areas in the MTSS will make service choices available to customers even if they do not have service provider choices. OCC urges the Commission to adopt its language regarding local calling areas proposed in its initial comments. While the Commission understands the concerns raised by OCC and Ashtabula, the Commission has adopted the definition of local calling area implemented in the local service guidelines issued in 95-845, which recognizes that a subscriber's local calling area includes those geographic areas to which the subscriber can originate and terminate a call without incurring toll charges.